



29 SEP 2006

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In re Application of :
KONAGAI *et al* :
Application No.: 10/579,895 :
PCT No.: PCT/JP2004/017639 :
Int. Filing Date: 19 November 2004 :
Priority Date: 21 November 2003 :
Attorney's Docket No.: YAMA:127 :
For: ARRAY SPEAKER APPARATUS :

DECISION

This application is before the Office of PCT Legal Administration for matters arising under 35 U.S.C. 371.

BACKGROUND

On 19 May 2006, applicants filed papers to enter the national stage of PCT/JP2004/017639 using docket number 47031-0000 which was accompanied by, *inter alia*, fees to enter the national stage. This application was processed as the national stage of PCT/JP2004/017639 and given U.S. application number 10/579,895. The correspondence address was listed as DRINKER, BIDDLE & REATH, LLP, 1500 K Street, N.W., Suite 1100, Washington, DC 20005-1209.

On 22 May 2005, a duplicate national stage application for PCT/JP2004/017639 using docket number YAMA:127 was filed by ROSSI, KIMMS & MCDOWELL LLP at the address at the top of this correspondence. The U.S. application number was denoted as 10/580,075. However, the application could not be processed as intended as a U.S. serial number already exists for this international application.

On 12 July 2006, a "Petition for Express Abandonment to Avoid Publication Under 37 CFR 1.138(c)" was filed in U.S. application number 10/579,895. A decision granting applicants' petition was mailed by the Pre-Grant Publication Division, Office of Patent Publication that same day. Accordingly, U.S. application number 10/579,895 was expressly abandoned.

On 18 July 2006, a declaration in compliance with 37 CFR 1.497(a) and (b) was filed in U.S. application number 10/580,075.

DISCUSSION

As is evident from the above recited facts, two sets of papers to enter the

national stage were submitted for international application PCT/JP2004/017639. The end result for an international application designating the United States of America is a single U.S. national stage application.

Therefore, the submission of two sets of national stage papers to enter the United States was improper.

CONCLUSION

Both applications will be merged into one national stage application for PCT/JP2004/017639.

Applicants are advised that U.S. application No. 10/580,075 is no longer a valid U.S. National stage application.

Applicants must use only U.S. application No. **10/579,895** for all correspondence to the national stage application of PCT/JP2004/017639. The attorney docket number is YAMA:127.

It is noted that U.S. application number 10/579,895 was expressly abandoned via petition on 12 July 2006 by the Pre-Grant Publication Division, Office of Patent Publication. An application expressly abandoned may not be revived under 37 CFR 1.137(a) or (b).



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